

## SENATE BILL NO. 331

INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING FIRE DISTRICT TRUSTEES FROM REQUIRING PEOPLE WHO CONTRACT WITH THE FIRE DISTRICT TO PAY THE TAX LEVY IMPOSED BY A VOTE OF THE RESIDENTS OF THE FIRE DISTRICT; AND AMENDING SECTION 7-33-2107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-33-2107, MCA, is amended to read:

**"7-33-2107. Contracts for fire protection services.** (1) ~~The~~ If the owners of 10% of the taxable value of the property in a fire district agree, the trustees of such the fire district, provided that the owners of 10% of the taxable value of the property in any such fire district may elect to make such a contract may:

(a) ~~may~~ contract with the council of any city or town or with the trustees of any other fire district established in any unincorporated territory, town, or village ~~which that~~ has any boundary line lying within 5 straight-line miles of any boundary line of ~~such the~~ district, whether the city or town or other fire district ~~shall lie~~ lies within the same county or another county, for the extension of fire protection service by the city or town or by ~~such the~~ other fire district to property included within ~~such the~~ district; and

(b) ~~may~~ agree to pay a reasonable consideration ~~therefor~~.

(2) ~~Likewise, the~~ The trustees may contract to permit ~~such the~~ fire district's equipment and facilities to be used by the cities, towns, or other fire districts ~~which that~~ have any boundary lines lying within 5 straight-line miles of any boundary line of ~~such the~~ district.

(3) (a) ~~Likewise, the~~ The trustees may enter into contracts with public or private parties under which ~~such the~~ district fire company may extend fire protection to public or private property lying outside of ~~such the~~ district or any other district or city limits but within 5 straight-line miles of any boundary line of ~~such the~~ district, whether ~~such the~~ public or private property ~~shall lie~~ lies within the same county or another county. ~~Such The~~ district fire company may use ~~such the~~ fire district's equipment and facilities outside of ~~such the~~ district in the performance of ~~such the~~ contracts.

(b) The trustees may not assess a fee for a contract that is in excess of the tax levied by the county commissioners for the general operation of the fire district. If the residents of the fire district vote to increase the

1 tax levy in order to purchase new equipment or facilities, the trustees may not increase the fee for a contract to  
2 cover the voted tax increase.

3 (4) All money received from ~~such~~ the contracts ~~shall~~ must be deposited in the county treasurer's office  
4 and credited to the fire district fund holding ~~such~~ the contracts.

5 (5) The relationship between the fire district and the city, town, or private fire service ~~shall be~~ is that of  
6 an independent contractor."

7 - END -